

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Rezone Request, Public Hearing, January 30, 2018

SUBJECT: Rezone Parcel 2712775, located in Section 33, Township 21 North,
Range 4 East

PRESENTED BY: Alex Dachs

GENERAL INFORMATION:

Applicant/Owner of Record: John Paul, Pre-Engineered Fire Systems

Property Location: The property is in S33, T21N, R4E, P.M.M., Cascade County, MT
and has a physical address of 4725 22nd Ave N.

Existing Zoning: "I-1" Light Industrial

Requested Action: Rezone from "I-1" Light Industrial to "I-2" Heavy Industrial.

Purpose: The applicant desires the rezoning to meet industry standards and
facilitate the bid and contracting processes.

Existing Land Use: Currently being used as a facility for the design, building, and sale
of prepackaged fire protection equipment solutions.

Surrounding Zoning and Land Uses:

Direction	Parcel Number (s)	Zoning District	Existing Land Use
North	Parcel #1088750	Interstate Commerce	BNSF Railway
East	Parcel #2089170	I-2	Industrial
South	Parcel #2089000	I-1	Industrial
West	Parcel #2712400	I-1	Industrial

SPECIAL INFORMATION

1. John Paul and Pre-Engineered Fire Systems are petitioning as owner and applicant to rezone 13.25 acres of property from Light Industrial (I-1) to Heavy Industrial (I-2).
2. The requested Heavy Industrial zoning District permits all non-residential uses not otherwise prohibited by law, and limited accessory uses, such as a single family dwelling incidental to the industrial enterprises, agricultural uses of land, and Agricultural buildings.
3. The intent of the rezoning is to allow Pre-Engineered Fire Systems to continue to meet industry standards, and continue to bid competitively on their existing business operation.

Some companies and government contracts require bidders to be in a Heavy Industrial district to be eligible for contracts.

4. Law enforcement activities are provided by the Cascade County Sheriff's Department and fire protection support is provided by the Black Eagle Volunteer Fire Department.
5. Notice of Public Hearing was mailed to surrounding property owners on January 18, 2018. Legal Ads of the Planning Board's Public Hearing were published in the Great Falls Tribune on January 7 & January 14, 2018.

ZONING ANALYSIS

Section 76-2-203 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with all zoning or rezoning proposals; the criteria are:

Criteria #1, the rezone application is made in accordance with the five listed goals in the growth policy;

The 2014 Cascade County Growth Policy (CCGP) contains five (5) goals which the policy defines as a direction of the Growth Policy. Each Goal also includes a subset of Objectives which the Growth Policy defines as a more narrowly defined and concrete expression of community intent. The five (5) goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well being of Cascade County's citizens.

Objectives:

- A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

Applicant: By insuring we are in compliance with the zoning laws, we will be able to retain our current tenant, whom during peak production times employs 6 full time employees and subcontracts with 5 different small businesses around town. In 2016 Pre Engineered Fire Systems (our tenant) dispersed more than half a million dollars to these subcontractors.

Staff: Pre-Engineered Fire Systems is a design and manufacturing company for fire suppression systems. The rezone is intended to allow this company to expand their operations by making them more competitive in seeking bids and contracts. This company also subcontracts with local businesses, and John Paul has stated his intention to build commercial/industrial condos on his property in the future, which will provide more opportunities for growth.

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

Applicant: Subcontracting with these companies helps ensure they stay in business, thus stabilizing the County's tax base.

Staff: Pre-Engineered Fire Systems recycles as much of their waste as possible at Steel Etc., a local business in their vicinity.

C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services.

Applicant: Our current tenant, Pre Engineered Fire Systems, has demonstrated that it compliments existing businesses by partnering with them on several and tapping Cascade County's greatest resource, quality workforce.

Staff: The applicant supports many existing business as they have a variety of needs to support their industry and day to day operations of creating fire suppression equipment in Cascade County.

D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Applicant: The property overlooks Giant Springs Park, Lewis and Clark Interpretive Center, and the remains of the original smoke stack and promotes these assets when Clients' Executives are in town.

Staff: The applicant is in close proximity to an expansive local park system and promotes it to their visitors. The applicant has expressed their desire to keep their property aesthetically pleasing and in harmony with the surrounding area.

E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Applicant: As previously stated, the current tenant, Pre Engineered Fire Systems, stimulates and fosters entrepreneurship including but not limited to Gerber's of Montana, ADF Paint Shop, Sherwin Williams, Patterson Enterprises, Advanced Air, Klette Electric, American Welding & Gas, Steel Etc., High Ball Trucking, & H&H Crane Service.

Staff: Pre-Engineered Fire Systems works with many companies in the local area as well as across the state. They support local businesses and have expressed their desire to expand locally in the future.

F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Applicant: Our tenant, Pre Engineered Fire Systems, is always promoting local business, but could do more to promote Business development organizations.

Staff: The applicant is a strong supporter and partner for local businesses but believes they could do more to support area business organizations. This re-zone could pave the way to further engagement with area organizations, especially if the goal of constructing business “condos” is realized.

G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

Applicant: Several different people travel in and out of Great Falls during a typical project of Pre Engineered Fire Systems. During the project Client representatives come to Great Falls for Factory Acceptance Testing, Plan Review, and Third-Party Inspections. During these visits they stay at local hotels, eat at local restaurants, and visit various local establishments.

Staff: The applicant brings in clients from across Montana and the United States. While here these clients engage with local businesses for food, lodging, and general shopping. Proximity to Giant Springs State Park also drives clients to local attractions, further bolstering community revenue.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County’s interdependence with other communities and to leverage available local resources.

Applicant: Our tenant, Pre Engineered Fire Systems, has several Fire Pump Skid projects throughout Montana serving various Businesses.

Staff: Fire Pump Skids are stations installed remotely to provide fire protection services to businesses and projects. The applicant has a number of these stations across the state, providing fire safety for business and industry.

I. Encourage the growth of the agricultural economy.

Applicant: The current tenant, Pre Engineered Fire Systems, does not really interface with Agricultural Economy, however it has been known to treat Clients to local craft brews, that may or may not use local barley. Many of these local restaurants they visit serve local beef.

Staff: Being in an industrial area, the applicant has little interest in directly promoting agricultural development. However, their fire-suppression systems are used in the transportation industry, a

crucial component of Montana's agricultural sector.

J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

Applicant: Our tenant, Pre Engineered Fire Systems, is currently developing a solar powered Fire Pump House for an off the grid site in Hawaii, which could open up a new niche that would lead to technology from the area.

Staff: The applicant believes that they have opportunities to develop alternative energy sources, both as a facet of their remote fire suppression systems and for on-site use.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Applicant: Maintain a healthy Missouri River Corridor by planting grasses with better nutritional value for the wild life. A shelterbelt incorporating the proper trees and bushes to promote healthy habitat for the wildlife and upland game birds.

Staff: The applicant is sensitive to their location near the Missouri River and along a state park system. They intend to maintain a well-kept yard and desire to create and maintain greenspace to enhance the natural beauty of the area.

B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.

Applicant: Preserve the County's open space feel by using a small portion of the land that is closest to other businesses to prevent industrial sprawl.

Staff: Pre Engineered Fire Systems has no intention of harming the scenic beauty of Cascade County and desires to keep their industrial uses in a central location with similar businesses.

C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Applicant: As stewards of the property we can ensure only Businesses with healthy environmental standards and that will keep a well-organized yard will become tenants.

Staff: The applicant has expressed their interest in maintaining the beauty of the surrounding area

and intends to be selective to ensure whoever leases their property maintains a clean environment.

D. Assure clean air, clean water, a healthful environment and good community appearance.

Applicant: No Response.

Staff: The applicant has repeatedly expressed their desire to remain in harmony with the surrounding area and actively recycles waste from their facility.

E. Support the development of natural resources including but not limited to timber, mining, oil, and gas production, and renewable energy production.

Applicant: No Response.

Staff: Pre Engineered Fire Systems uses limited natural resources, and is not engaged in the development of natural resources. They have expressed interest in alternative energy.

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Applicant: No Response.

Staff: This property has not been identified as a site undergoing Superfund and Brownfields processes.

Goal 3: Maintain Agricultural Economy

Objectives:

A. Protect the most productive soil types.

Applicant: Our parcel is not used for agricultural purposes and is not located in the flood plain, therefore this goal is not applicable.

Staff: According to the USDA Web Soil Survey, the land is not on prime soil, classified as 3e or 4e, implying severe to very severe limitations on use, and a propensity to erosion. The applicant has expressed no desire to engage in agricultural operations.

B. Continue to protect soils against erosion.

Applicant: Our parcel is not used for agricultural purposes and is not located in the flood plain, therefore this goal is not applicable.

Staff: The applicant is in compliance with Stormwater regulations, and has taken steps to mitigate runoff from uphill sites. Staff believes that the applicant is already reducing the erosion from their

site and adjacent sites.

C. Protect the floodplain from non-agricultural development.

Applicant: Our parcel is not used for agricultural purposes and is not located in the flood plain, therefore this goal is not applicable.

Staff: This property is not in a floodplain.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant: Our parcel is not used for agricultural purposes and is not located in the flood plain, therefore this goal is not applicable.

Staff: The applicant has expressed no desire to engage in agricultural activities on their land.

Goal 4: Retain the presence of the US Military in Cascade County

Objectives:

A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.

Staff: The rezone should not impact the current mission status of Malmstrom Air Force Base.

B. Promote the location of additional military missions in Cascade County.

Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.

Staff: This rezone application should not have an impact on promoting the location of additional military missions in Cascade County.

C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.

Staff: This parcel is in the MOD-D height overlay district for Malmstrom, which prohibits structures over 150 feet above the runway. The existing structures are within parameters.

D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.

Staff: The closest missile launch facility is over 20 miles away.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

A. Maintain Cascade County's citizen's independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Applicant: Continue to be a good neighbor to Montana Fish & Game.

Staff: Staff feels that the existing operation meshes with the surrounding uses and would continue to do so. The applicant appears committed to minimizing their impact on the environment and being a good neighbor.

B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

Applicant: Protect our portion of the Missouri River Corridor by continuing to control noxious weeds and ensure that development does not infringe on the Rivers Edge Trail or Giant Springs State Park.

Staff: The applicant is committed to maintaining their property and acknowledges weed-control efforts. Noxious weeds in Cascade County are a detriment to our scenery and environment, and it is refreshing to see citizens committed to controlling their spread.

C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.

Applicant: Promote fire prevention by keeping fuel loads cleaned out of the wild land/urban interface. Promoting a natural maintenance by providing an enriched wildlife habitat. Maintaining gradient landscaping to the building.

Staff: Not only does the applicant believe in keeping their property free of debris, but the current

tenant, Pre Engineered Fire Systems, is dedicated to fire control and supplies fire-fighting operations in the vicinity.

D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant: No response.

Staff: The rezone should have virtually no impact on educational development or health services, and minimal impact on recreational opportunities.

Criteria #2, whether the zoning regulations have been designed to secure safety from fire and other dangers.

Applicant: The property is close to three different fire cisterns as well as a large storm retention pond and hydrants close by. The building is steel with noncombustible insulation.

Staff: The proposed zone change is meant to better reflect the property owners intended use of the property and should have no impact on securing safety from fire or other dangers.

Criteria #3, whether the zoning regulations have been designed to promote public health, public safety, and general welfare.

Applicant: The property is well lighted with LED lighting and security cameras with notifications that overlap adjoining areas.

Staff: The applicant's lessee operates a secure facility and will continue to have a vested interest in protecting their property. Security systems already in place provide partial coverage for neighbors as well.

Criteria #4, whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Applicant: This is just a rezoning and the roads have been established with self-contained water and sewer on the property.

Staff: Staff feels the zoning regulations have been designed to facilitate the adequate provision of transportation, schools, parks, and other public requirements. Existing water and septic systems will remain adequate, roads are already established, and there is ample room for growth.

Criteria #5, whether the zoning regulations have been designed to provide adequate light and air.

Applicant: There is three phase power on one side of the property and another power line on

the other side of the property that can be tapped. It will have no effect on air quality.

Staff: This business is not a heavy polluter and has installed security lighting on their facility.

Criteria #6, whether the zoning regulation have been designed to address effects on motorized and non-motorized transportation systems.

Applicant: It is expected to have minimal traffic on already established and well maintained private roads.

Staff: The applicant has road access through a private road to their east. This road is shared with other industrial businesses, and any impact to the transportation infrastructure would be negligible.

Criteria #7, whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.

Applicant: Surrounding area is Heavy Industrial and is compatible with our usage.

Staff: This zone change application is in proximity of Great Falls and Malmstrom Air Force Base, but is adjacent to other Heavy Industrial uses. Staff feels they would remain in harmony with surrounding uses and planned future development.

Criteria #8, whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.

Applicant: The area is next to the new Business Park and developing into an Industrial area.

Staff: Staff feels this zone change application is appropriate. This would not be considered "spot zoning" and is adjacent to Heavy Industrial uses and in the vicinity of planned developments, such as the Agritech Park to the east.

Staff: While staff feels this zone change application is appropriate, a re-zone of the property to Heavy Industrial may have the possibility of resulting in the creation of spot zone, which has been deemed to be illegal by the 1981 Montana Supreme Court Case, "Little vs. Board of County Commissioners". The case determined three factors must exist before a property can be considered an instance of unlawful spot zoning. These are:

- 1) The proposed use is significantly different from the prevailing use in the area;
- 2) The area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change;
- 3) The change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

When considering the "Little vs. Board of County Commissioners," the first factor to consider is

if “the proposed use is significantly different from the prevailing use in the area”. The proposed heavy industrial uses will not be significantly different from the prevailing use to the east. The light industrial zoned parcels to the south and west are also consistent with the proposed heavy industrial use, as is the railway to the north.

The acreage of the parcel petitioning for the rezone (13.25) is roughly in line with the adjacent parcels. The Heavy Industrial parcels in that area range in size from 92 acres to 1.37 acres. Since this will be an extension of an existing Heavy Industrial district into a Light Industrial district, staff does not believe the second factor will be met.

Finally, while the purpose of the rezone is to explicitly benefit one landowner, the change could open the door for additional parcels to the west to rezone from light to heavy industrial as well. Since the adjacent properties are some form of industrial or a dedicated railway, planning staff is comfortable that this is not a spot zone scenario.

Criteria #9, Whether the zoning regulations have been made with a view to conserving the value of buildings and land.

Applicant: All the buildings are purpose built and the area is designed and subdivided to provide a place for small businesses to grow and expand.

Staff: This parcel is adjacent to a dedicated industrial subdivision, John Michael Acres. At one point this parcel was a part of that subdivision, however they revised their plat to lift an agricultural covenant.

Criteria #10, Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

Applicant: The property is zoned Light Industrial and we would like to be zoned Heavy Industrial to be more compatible with adjacent properties.

Staff: This property is located in an industrial area in Cascade County and in the proximity of the City of Great Falls.

CONCLUSION

The Cascade County Zoning Regulations state a Heavy Industrial district is a zoning classification that allows all non-residential uses not otherwise prohibited by law. As accessory uses a single-family dwelling and agricultural uses of land are permitted. The zone change request is for a parcel bordering other industrial uses of land and industrial zoning, and staff finds the applicant's request to rezone to Heavy Industrial is consistent with the intend use, as well as the surrounding uses.

RECOMMENDATIONS

Two recommendations have been provided for your consideration:

Recommendation One:

"I move that the Planning Board recommendation to the County Commission, after consideration of the staff report, that the zone change request of John Paul to rezone parcel #2712775 located in Section 33, T. 21N., R. 4E., P.M.M., Cascade County, MT. from "I-1" Light Industrial to "I-2" Heavy Industrial, be **denied.**"

OR:

Recommendation Two:

"I move that the Planning Board recommendation to the County Commission, after consideration of the staff report, that the zone change request of John Paul to rezone parcel #2712775 located in Section 33, T. 21N., R. 4E., P.M.M., Cascade County, MT. from "I-1" Light Industrial to "I-2" Heavy Industrial, be **approved.**"

Attachment:

- 1) Rezone application
- 2) Map showing parcel zoning